

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

- (1) FRANCIS ROLLINS, an individual, and  
(2) DONNA BROWN, an individual,

Plaintiffs,

v.

- (1) ANITA BLATNICK, an individual and as  
an Employee of Legend Retirement  
Corporation,  
(2) LEGEND RETIREMENT CORPORATION,  
d/b/a SAGORA SENIOR LIVING, INC.,  
formerly known as ABERDEEN HEIGHTS,  
a foreign for profit business corporation,

Defendants.

Case No.

Tulsa County CJ-2013-5787

**NOTICE OF REMOVAL**

TAKE NOTICE that Defendants, Legend Retirement Corporation, d/b/a Sagora Senior Living, Inc., formerly known as Aberdeen Heights (properly identified as Sagora Senior Living, Inc.) ("Sagora") and Anita Blatnick remove this action from the District Court of Tulsa County to this Court pursuant to 28 U.S.C. §§ 1332, 1441(a), 1446. As grounds for removal, Defendants would inform the Court the following:

1. On December 23, 2013, Plaintiffs filed their Petition in the District Court of Tulsa County, Oklahoma, captioned *Francis Rollins, an individual, and Donna Brown, an individual, v. Anita Blatnick, an individual and as an Employee of Legend Retirement Corporation, Legend Retirement Corporation, d/b/a Sagora Senior Living, Inc., formerly known*

as Aberdeen Heights, a foreign for profit business corporation, Case No. CJ-2013-5787 ("the state court action").

2. On January 2, 2014 service of process was made on both Defendants. True and correct copies of all documents received by Defendants in the state court action are attached hereto as Exhibit "1."

3. Plaintiff Francis Rollins stated in the Petition to be a resident of Rogers County, State of Oklahoma. Upon current information and belief, Plaintiff Rollins has since passed away since the filing of Plaintiffs' Petition.

4. Plaintiff Donna Brown stated in the Petition to be a resident of Tulsa County, State of Oklahoma.

5. Defendant Blatnick is a resident of Oklahoma, although Defendants allege she was fraudulently joined to otherwise defeat this Court's diversity jurisdiction over Plaintiffs' Petition.

6. Defendant Sagora is a foreign for profit business corporation incorporated in Delaware with its principal place of business in Texas.

7. Complete diversity between the parties exists and the Plaintiffs' claim for relief exceeds \$75,000.00.

8. This Court therefore has original and subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

9. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b), in that it is filed within thirty (30) days of the date the action became removable.

10. Tulsa County, Oklahoma lies within the geographical boundaries of this Court.

11. Written notice of this removal will be given to all parties and a copy will be filed with the Clerk of the District Court of Tulsa County, Oklahoma promptly after this Notice of Removal is filed.

12. In accordance with 28 U.S.C. § 1446(b) and LCvR 81.2, attached to this Notice of Removal as Exhibits 1-3 are copies of all documents served in the state court action, Defendants' special entry of appearance and reservation of time, and the state court docket sheet.

WHEREFORE, Defendants request that this Notice of Removal be accepted by this Court, and this lawsuit proceed as an action properly removed to this Court's jurisdiction.

JURY TRIAL DEMANDED.

Respectfully submitted,

**HOLDEN & CARR**

*s/Drew A. Lagow*

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Attorneys for Defendants

**CERTIFICATE OF MAILING**

I hereby certify that on the 3 day of February, 2014, a true and correct copy of the above and foregoing instrument was served on the parties as follows:

- Via U.S. Mail       Via Facsimile Mail  
 Via Federal Express       Via Hand Delivery

to:

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*Attorneys for Plaintiff*

*s/ Drew A. Lagow*

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Drew A. Lagow

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